

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
AKSHITA BANERJEE,) Bankruptcy 21-22031-CMB
Debtor.) Chapter 13
)

SADIS & GOLDBERG LLP,) **ELECTRONICALLY FILED**
Movant,)
v.)
AKSHITA BANERJEE,)
Respondent.)
)

**MOTION FOR EXTENSION OF TIME
TO FILE COMPLAINT DETERMINING DISCHARGEABILITY OF DEBT
OR OBJECTING TO DISCHARGE**

Pursuant to Rules 4004(b), 4007(c) and 9006(b) of the Federal Rules of Bankruptcy Procedure, creditor Sadis & Goldberg LLP (hereinafter referred to as the “Movant”), by its undersigned counsel, hereby move this Honorable Court for an extension of time to file a complaint determining the dischargeability of any claims against Debtor Akshita Banerjee (“Debtor”) and objecting to Debtor’s discharge until a 2004 examination can be completed of Debtor. In support of this Motion, Movant aver as follows:

Statement of Jurisdiction, Venue and Parties

1. On September 16, 2021 (hereinafter referred to as the “Petition Date”), Debtor filed a voluntary petition for relief pursuant to Chapter 13, Title 11 of the United States Code (hereinafter referred to as the “Voluntary Petition”). [Doc. #1].

2. This Court has jurisdiction over this matter pursuant to Bankruptcy Rules 4004(b) and 4007(c). This is a "core" proceeding under 28 U.S.C. §157(b)(2)(I) & (J).

3. Venue is proper in this Court pursuant to 28 U.S.C. §1409.

4. The Movant, is a "creditor" within the meaning of 11 U.S.C. §101(10)(A) in that it hold both rights to payment and other equitable rights, including fraudulent transfers.

5. On November 12, 2021, this Honorable Court entered an Order Confirming the Chapter 13 Plan, dated October 14, 2021.

6. The Movant has timely filed a proof of claim No. 12, in the amount of \$587,176.26.

Legal Basis for Seeking Extension of Time

7. Bankruptcy Rule 4007(c) provides as follows:

(c) Time for Filing Complaint Under §523(c) in a Chapter 7 Liquidation, Chapter 11 Reorganization, Chapter 12 Family Farmer's Debt Adjustment Case, or Chapter 13 Individual's Debt Adjustment Case; Notice of Time Fixed. Except as otherwise provided in subdivision (d), a complaint to determine the dischargeability of a debt under §523(c) shall be filed no later than 60 days after the first date set for the meeting of creditors under §341(a). The court shall give all creditors no less than 30 days' notice of the time so fixed in the manner provided in Rule 2002. **On motion of a party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision.** The motion shall be filed before the time has expired.

(d) Time for Filing Complaint Under §523(a)(6) in a Chapter 13 Individual's Debt Adjustment Case; Notice of Time Fixed. On motion by a debtor for a discharge under §1328(b), the court shall enter an order fixing the time to file a complaint to determine the dischargeability of any debt under §523(a)(6) and shall give no less than 30 days' notice of the time fixed to all creditors in the manner provided in Rule 2002. **On motion of any party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision.** The motion shall be filed before the time has expired.

Fed.R.Bank.Proc., Rule 4007(c) (emphasis added).

8. Analogous provisions are found at Bankruptcy Rule 4004 which provides, in pertinent part, as follows:

(b) Extension of Time. *On motion of any party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be made before the time has expired.*

Fed.R.Bank.Proc., Rule 4004(b) (emphasis added).

9. Further, Bankruptcy Rule 9006 vests this Court with the power to enlarge in its discretion the period for compliance with the time requirements set forth in Bankruptcy Rules 4004 and 4007, provided that the application to enlarge is made before expiration of the time period involved.

10. Movant has, or will soon be serving Debtor with a 2004 Notice, for an examination to be scheduled in January 2021, after the current scheduled deadline for discharge, of January 7, 2021. To the extent new facts are uncovered during the examination, Movant wishes to preserve its rights to object to discharge.

11. Furthermore, upon information and belief, Movant believes that Debtor may have transferred assets fraudulently, including but not limited to, in and out of foreign jurisdictions, which Movant wants to have the opportunity to question Debtor about, prior to making a determination of filing any objection to discharge.

12. Based on this, Movant respectfully asks for the deadline to object to discharge to be extended for an additional 45 days, to February 21, 2022, to allow for the completion of the

2004 examination of Debtor by Movant, and then determination and filing of any complaint to discharge.

13. This Motion has been timely made and no prior enlargements of time have been requested in the matter for the deadline to object to dischargeability.

WHEREFORE, Movant respectfully requests that this Honorable Court enter the attached Order, extending the deadline for all parties to object to discharge to February 21, 2022, which is a 45 day extension of time.

Respectfully submitted,

MEYER, UNKOVIC & SCOTT LLP

Dated: December 20, 2021

By: /s/ Gary M. Sanderson
Gary M. Sanderson, Esquire
Pa. I.D. #313591
gms@muslaw.com
Robert E. Dauer, Jr., Esquire
Pa. I.D. #61699
red@muslaw.com
535 Smithfield Street, Suite 1300
Pittsburgh, Pennsylvania 15222-2315
TEL: (412) 456-2800
FAX: (412) 456-2864

Attorneys for Movant